

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

2005 JUL 29 A 9:37

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JUL 27 2005

FOR MAILING

AN

ANTHONY YOUNG,
Petitioner,

DEBRA R. H.
U.S. DISTRICT
COURT

CASE NO. 1:05-CV-582-F

VS.

RUSSELL MOSFORD, et al.,
Respondents. /

PETITIONER'S MOTION TO VOLUNTARILY DISMISS
HABEAS PETITION WITHOUT PREJUDICE TO EXHAUST
STATE REMEDY

Petitioner Anthony Young, respectfully moves this Honorable
for a order dismissing his Habeas Petition without prejudice to
exhaust state remedy, as grounds petitioner states:

1. Respondents have filed their respective answer to show
Cause. At exhibit B in their answer, an affidavit provided by
Gale Lave states there has been no record of receiving petitioner's
motion to dismiss in pertinent part.

2. In petitioner's Exhibit B page 3, provides the "Notice and
Request for Final Disposition."

3. As for the filing of petitioner's I.A.D.A. with the clerk of
Court in the State of Alabama, is the responsibility of David C.
Emery, Esq., who apparently is no longer with this office, District
Attorney for the 33rd Circuit.

4. Petitioner, nevertheless cannot provide as to why Geneva County
did not receive his motion to dismiss, that he is of the understanding

it was received by the state of Alabama because he never received this motion back as returned legal mail.

WHEREFORE, Anthony Young, hereby moves this Honorable Court to enter a order, voluntarily dismissing his habeas petition without prejudice to exhaust state remedy and upon a adverse ruling from the state court, to either file a Motion To Reopen Case or in the alternative re-submit a habeas petition upon exhaustion of state remedies to remain in good faith.

Respectfully Submitted,

Anthony Young
ANTHONY YOUNG, Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion To Dismiss Without Prejudice was furnished through institution internal mail system to Marc A. Starret, Office of the Attorney General Alabama State House, 11 South Union, Montgomery, AL 36130-0152 this 27th day of July, 2005.

Anthony Young
Anthony Young
DL # Q10165 H14DL L
Liberty Correctional Institution
11064 N.W. Dempsey Barron Road
Bristol, Florida 32321